

## APPROVED MINUTES

### KITTERY TOWN COUNCIL

October 27, 2014

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Councilors Russell White, Frank Dennett, Chuck Denault, Jeffrey Pelletier, Judy Spiller and Jeffrey Brake.

5. Agenda Amendment and Adoption –

The agenda was accepted as presented.

6. Town Manager's Report –

Town Manager Puff stated that the Town of Eliot had asked to reconfigure pump station number 7. She continued that they had an estimate of 1.9 million dollars which had been conveyed to Eliot.

Town Manager Puff indicated they had been receiving complaints of the helicopter noise and informed residents that they could file a complaint on the Pease website or at (603) 436-6333.

Town Manager Puff noted they had received Phase 4 funding for the Spruce Creek Watershed project in an amount of \$59,000.

Town Manager Puff stated that the Sewer Department would be working in the Foreside over the next month.

Town Manager Puff indicated that there was an issue with a right of way on Bowen Road which would be coming before Council for a disposition in the near future.

Chairperson Thomson stated that there was going to be a meeting in Portsmouth on November 20 at 6:00 P.M. on the helicopter noise.

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7. Acceptance of Previous Minutes - None
8. Interviews for the Board of Appeals – None
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials – None
10. PUBLIC HEARINGS - None
11. Discussion
  - a. Discussion by members of the public

Donna Jean Ahigian came to the podium and indicated that she lived at 5 Bowen Road. She continued that a landscaper had cut a 10 foot path into the shoreline buffer zone which was in violation of the town ordinance. Ms. Ahigian noted that protection of the shoreline was vital to the environment and public citizens were not allowed to make any changes to town property.

Donna Ruddy came to the podium and stated that she lived at 15 Bowen Road and was an abutter to the right of way. She continued that she agreed with Ms. Ahigian and that she was horrified to see the entire buffer zone cut down. Ms. Ruddy stated that the citizen did not seek approval for the changes and he should face a fine and pay to replace the vegetation in the buffer zone.

Suzanne Johnson came to the podium and stated that the Adult Education program did not support low income people. She continued that she thought that they needed to be encouraged to have low income people in the program as many other communities do. Ms. Johnson then stated that she had attended the Kittery Foreside meeting and noted that she did not think that Kittery should become a destination for hunters. She continued that she had also tried to submit artwork to the KCC for display but was told that she would have to submit it online and then it would be judged to see if it was acceptable or not.

- b. Response to public comment directed at a particular Councilor
  - c. Chairperson's response to public comments

Chairperson Thomson stated relative to the Bowen Road issue, that the manager was developing a strategy to deal with the issue.

Chairperson Thomson noted that hunting was not allowed anywhere in the Foreside area. He continued that York Hospital provided some scholarship funds to the Rec Department and that could be looked into to broaden to Adult Ed. He stated that the KCC did have a policy for vetting artwork to make sure that it was appropriate.

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### 12. UNFINISHED BUSINESS –

a. (100114-2) The Kittery Town Council moves to ordain, pursuant to Section 6.09.1 of the Town Charter, for a supplemental appropriation in the amount of \$12,500 for the purpose of matching private donations to fund the preparation of a master plan for the town's athletic field.

Chairperson Thomson stated that there was currently a motion on the floor but new information had been brought forward in the interim which would have the issue go in a different direction.

**CHAIRPERSON THOMSON MOVED TO POSTPONE THE ITEM INDEFINITELY, SECONDED BY COUNCILOR DENNETT.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

### 13. NEW BUSINESS

a. Donations/gifts received for Council disposition - none

**COUNCILOR SPILLER MOVED TO ACCEPT A DONATION FROM BOB'S CLAM HUT IN THE AMOUNT OF \$500 TO THE KCC, SECONDED BY COUNCILOR BRAKE WITH ALL IN FAVOR.**

b. (100214-1) The Kittery Town Council moves to approve the disbursement warrants.

**COUNCILOR PELLETIER MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR DENAULT WITH ALL IN FAVOR.**

c. (100214-3) The Kittery Town Council moves to set the date of November 10, 2014 for a public hearing for the transfer of \$12,500 from unencumbered surplus, authorized by the voters on June 10, 2014, for the purpose of matching \$12,500 in private donations for the preparations of a master plan for the town's athletic fields.

**COUNCILOR PELLETIER MOVED TO SET THE DATE OF NOVEMBER 10, 2014 FOR A PUBLIC HEARING FOR THE TRANSFER OF \$12,500 FROM UNENCUMBERED SURPLUS, AUTHORIZED BY THE VOTERS ON JUNE 10, 2014, FOR THE PURPOSE OF MATCHING \$12,500 IN PRIVATE DONATIONS FOR THE PREPARATIONS OF A MASTER PLAN FOR THE TOWN'S ATHLETIC FIELDS, SECONDED BY COUNCILOR WHITE WITH ALL IN FAVOR.**

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d. (100214-4) The Kittery Town Council moves to set the date of November 10, 2014 for a public hearing regarding adoption as an emergency ordinance, pursuant to Section 2.15 of the Town Charter, an amendment to Chapter 4.2.3 of the Town Code, Procedures for Council Appointments.

**COUNCILOR DENNETT MOVED TO SET THE DATE OF NOVEMBER 10, 2014 FOR A PUBLIC HEARING REGARDING ADOPTION AS AN EMERGENCY ORDINANCE, PURSUANT TO SECTION 2.15 OF THE TOWN CHARTER, AN AMENDMENT TO CHAPTER 4.2.3 OF THE TOWN CODE, PROCEDURES FOR COUNCIL APPOINTMENTS, SECONDED BY COUNCILOR WHITE WITH ALL IN FAVOR.**

e. (100214-5) The Kittery Town Council moves to set the date of November 10, 2014 for a public hearing on a proposed amendment to Chapter 4.2.3 of the Town Code, Procedures for Council Appointments.

**COUNCILOR DENNETT MOVED TO SET THE DATE OF NOVEMBER 10, 2014 FOR A PUBLIC HEARING ON A PROPOSED AMENDMENT TO CHAPTER 4.2.3 OF THE TOWN CODE, PROCEDURES FOR COUNCIL APPOINTMENTS, SECONDED BY COUNCILOR DENAULT WITH ALL IN FAVOR.**

f. (100214-6) The Kittery Town Council moves to set the date of November 10, 2014 for a public hearing on a proposed amendment to Chapter 3.2.10 of the Town Code, Disposal of Property.

**COUNCILOR DENNETT MOVED TO SET THE DATE OF NOVEMBER 10, 2014 FOR A PUBLIC HEARING ON A PROPOSED AMENDMENT TO CHAPTER 3.2.10 OF THE TOWN CODE, DISPOSAL OF PROPERTY, SECONDED BY COUNCILOR WHITE WITH ALL IN FAVOR.**

g. (100214-7) The Kittery Town Council moves to appoint Kenneth Lemont to the Port Authority for a term to expire on August 31, 2018.

**COUNCILOR PELLETIER MOVED TO APPOINT KENNETH LEMONT TO THE PORT AUTHORITY FOR A TERM TO EXPIRE ON AUGUST 31, 2018, SECONDED BY COUNCILOR BRAKE.**

Councilor Dennett indicated that Mr. Lemont was a candidate for Council as well and he could only be on one board at a time. He continued he thought they should take action on this item at the next meeting, after the election.

**COUNCILOR DENNETT MOVED TO POSTPONE ACTION UNTIL 11/10/14, SECONDED BY COUNCILOR SPILLER.**

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**A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENAULT, COUNCILOR PELLETIER AND COUNCILOR BRAKE OPPOSED. MOTION PASSES 4/3.**

h. (100214-8) The Kittery Town Council moves to appoint Ken Linscott to the Personnel Board for a term to expire on June 30, 2017.

**COUNCILOR PELLETIER MOVED TO REAPPOINT, WITHOUT THE BENEFIT OF AN INTERVIEW AND PURSUANT TO SECTION 4.2.3.F, KEN LINSOTT TO THE PERSONNEL BOARD FOR A TERM TO EXPIRE ON JUNE 30, 2017, SECONDED BY COUNCILOR WHITE.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

i. (100214-9) The Kittery Town Council moves to schedule a public hearing on amendments to the Kittery Town Code, Chapter 10.2, Stop Intersections Designated, 10.2.2.1 – On Public Ways.

**CHAIRPERSON THOMSON MOVED TO SCHEDULE A PUBLIC HEARING ON NOVEMBER 24, 2014, RELATIVE TO AMENDMENTS TO THE KITTEY TOWN CODE, CHAPTER 10.2, STOP INTERSECTIONS DESIGNATED, 10.2.2.1 – ON PUBLIC WAYS, SECONDED BY COUNCIL PELLETIER WITH ALL IN FAVOR.**

### 14. COUNCILOR ISSUE OR COMMENT

Councilor Spiller stated that she thought Council needed to look more closely at the transfer station's operations at the transfer station to see how they could make more money.

Councilor Denault asked why the vacancies on various boards in town were not being filled. Town Manager Puff responded that there was a procedure in place where residents would indicate their preference as to which board they wanted to apply for and had to choose. She continued that on most boards, the applicants needed to be interviewed at the same time. Councilor Denault stated that he thought that the applications needed to be reviewed.

### 15. COMMITTEE AND OTHER REPORTS

#### a. Communications from the Chairperson –

Councilor Thomson stated there was a Special Meeting scheduled for the following Monday for the Town Manager's review and a workshop with the Parks Commission relative to a management plan.

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Chairperson Thomson indicated that the November 10<sup>th</sup> Council meeting would be the organizational meeting for the new Council.

Chairperson Thomson noted that the town appropriated approximately \$4000 for public notices for public hearings. He continued he thought they might be able to review the Charter to see if there was a more cost effective way to announce the public hearings while spending less money.

b. Committee Reports – None

16. EXECUTIVE SESSION – None

17. ADJOURNMENT

**COUNCILOR SPILLER MOVED TO ADJOURN, SECONDED BY COUNCILOR DENAULT WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:17 P.M.**